

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

GERMANE VICTOR,)	
)	
Plaintiff,)	
)	CIVIL NO. 2007-0047
v.)	
)	
DEPARTMENT OF HOMELAND)	
SECURITY, U.S. CITIZENSHIP AND)	
IMMIGRATION SERVICES, AND)	
MARIA ARAN, DISTRICT DIRECTOR)	
OF U.S. CITIZENSHIP AND)	
IMMIGRATION SERVICES PUERTO)	
RICO, U.S. IMMIGRATION CUSTOMS)	
ENFORCEMENT ST. CROIX DISTRICT,)	
ATTORNEY GENERAL, ALBERTO)	
GONZALEZ)	
)	
Defendants.)	
_____)	

ORDER

FINCH, J.

THIS MATTER comes before the Court on a Motion to Dismiss for lack of subject matter jurisdiction, pursuant to Fed. R. Civ. P. 12(b)(1) or, in the alternative, for Summary Judgment pursuant to Fed. R. Civ. P. 56 filed by Defendants.

In her prayer for relief, Plaintiff requested mandamus to compel the Department of Homeland Security, United States Office of Citizenship and Immigration Services (CIS) to schedule an interview for the adjudication of her I-751 Petition to Remove the Condition on Residence. Compl. ¶ 12. On June 28, 2007, Plaintiff did have an interview with CIS regarding the I-751 Petition that she filed. McCarthy Decl. ¶ 5. At that interview Plaintiff was required to produce documentation, no later than July 27, 2007, regarding the validity of her marriage. CIS has ninety

(90) days in which to render a decision on Plaintiff's I-751 petition after the appropriate documentation is produced.

After careful consideration and being fully advised in the premises, the Court finds that this Court lacks subject matter jurisdiction of this matter, in as much as the relief sought by Plaintiff, i.e., for CIS to schedule an interview on Plaintiff's I-751, Petition to Remove Conditional Resident Status, has occurred on June 28, 2007. Since CIS has already granted Plaintiff's request, there is nothing for this Court to determine or to compel CIS to do by way of mandamus. Defendant CIS's voluntary actions renders the relief requested in Plaintiff's complaint moot. Since there is no case or controversy before the Court, it is hereby

ORDERED that Defendant's Motion to Dismiss for lack of subject matter jurisdiction is **GRANTED** without prejudice and the matter is remanded to CIS for completion of the adjudication process on Plaintiff's I-751 Petition for Removal of Conditional Status. It is further

ORDERED that Defendant's Motion to Deem Conceded Defendant's Motion to Dismiss is **DISMISSED**.

ENTERED this 30th day of May, 2008.

/s/
HONORABLE RAYMOND L. FINCH
U.S. DISTRICT JUDGE